

**EXHIBIT
41, PART B**

defendant. Fed. R. Civ. Pro. §§4(e) and (f); Omni Capital International, supra; Meaamaile, supra.

That Hawaii's long-arm statute "requires that the cause of action relate to the defendant's contacts in Hawaii" is not open to doubt. So held the Ninth Circuit in Commercial Insurance Company of Newark v. Pacific-Peru Construction Corp., 558 F.2d 948, 955 (1977) (affirming the District Court's dismissal of a third party complaint for lack of personal jurisdiction, where the third party plaintiff "made no showing before the District Court as to how these causes of action relate to [the third party defendant's] contacts with Hawaii. The District Court properly found that [the third party plaintiff], as proponent of jurisdiction, could not satisfy its burden of proving that the Court had personal jurisdiction over [the third party defendant] under Hawaii's long-arm statute," where the third party defendant had sent attorneys to Hawaii to collect security under an indemnity agreement and had also sent letters to attempt the collection of monies due under the agreement.). Accord, Cowan v. First Insurance Company of Hawaii, Ltd., 61 Haw. 644, 652, 609 P.2d 994, 400, n.7 (1980) ("Where one alleges jurisdiction over a non-resident defendant pursuant to Hawaii's long-arm statute, HRS §634-35(c) requires that the cause of action relate to the defendant's contacts in Hawaii.").

Beyond the statutory lack of personal jurisdiction here, there is a constitutional bar as well. The federal requirements of constitutional due process require a higher threshold of

activity in Hawaii by defendant in order to permit the exercise of general jurisdiction than they do for the acquisition of specific jurisdiction, i.e., when the acts in Hawaii are related to the cause of action. Helicopteros Nacionales de Colombia v. Hall, 466 U.S. 408, 403, 415-416, 418-19 (1984); Hanson v. Denckla, 357 U.S. 235, 250-254 (1958); Cubbage v. Merchant, 744 F.2d 665 (9th Cir. 1984).

The Hawaii long-arm statute provides no authorization for serving the defendant in New York because the claim does not arise from any Hawaii activity, and if the Hawaii statute did authorize such service, any purported personal jurisdiction over the defendant would be unconstitutional on the facts alleged in the complaint.

CONCLUSION

Based on the foregoing, defendant respectfully requests that this Court grant defendant's motion to dismiss plaintiff's complaint, along with such other and further relief as this Court may deem appropriate.

DATED: Honolulu, Hawaii,

November 7, 1992



MILTON YASUNAGA, ESQ.
Attorney for Defendant

John Aaron Murphy Jones 4641
Attorney at Law
1170 N. King Street
Honolulu, Hawaii 96817
Telephone: 808 926-9078

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

SEP 16 1992

at 10 o'clock and 35 min. A.M.
WALTER A.Y.H. CHINN, CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

NANCY MIRACLE,
aka, NANCY MANISCALCO GREEN,) CIVIL NO. 92 00605 ACK
(Non Motor Vehicle Tort)
Plaintiff,)
vs.) COMPLAINT SEEKING SHARE OF
ANNA STRASBERG, as Administratrix,) PRETERMITTED HEIR; EXHIBITS
c.t.a. of the Last Will and) A AND B; DEMAND FOR JURY
Testament of MARILYN MONROE.) TRIAL; SUMMONS
Defendant.)

**COMPLAINT SEEKING SHARE
OF PRETERMITTED HEIR**

The Plaintiff, NANCY MIRACLE, aka NANCY MANISCALCO GREEN,
through her undersigned counsel, avers and alleges as follows:

1. She is a natural person who at all times material herein was a resident and domiciled in the City and County of Honolulu, State of Hawaii.

2. The defendant is the Administratrix of the Last Will and Testament of Marilyn Monroe, aka Nancy Cusumano, and is domiciled in New York.

ATTEST: A True Copy
WALTER A.Y.H. CRINN
Clark, United States District
Court, District of Hawaii
By George J. Lee Deputy

3. Jurisdiction is based on diversity of citizenship under 28 U.S.C. section 1332(c)(2).

4. The Will of Marilyn Monroe, aka Nancy Cusumano was probated in the Surrogate's Court held in and for the County of New York in 1962.

5. The plaintiff, Nancy Miracle, aka Nancy Maniscalco Green, is the daughter of Marilyn Monroe, aka Nancy Cusumano, (deceased) and was raised from birth, until her death, by Jennie Cusumano Maniscalco, the older blood sister of Marilyn Monroe, aka Nancy Cusumano. Plaintiff is interested in decedent's will and estate.

6. In 1962, an order of the Surrogate's Court for the County of New York was made and entered admitting to probate a certain instrument in writing purporting to be the last will and testament of Marilyn Monroe, aka Nancy Cusumano. That on said date this court made an order appointing Anna Strasberg, administratrix, of said will. That Anna Strasburg duly qualified as executrix and is now the acting administratrix of said will.

7. Since the date of the order aforesaid admitting said instrument to probate, plaintiff has discovered by evidence to plaintiff therefore unknown, and which evidence plaintiff, in the exercise of due diligence, could not have discovered prior to the date of said order and only recently discovered; that plaintiff Nancy Miracle, aka Nancy Maniscalco Green, is the sole natural born child of Marilyn Monroe, aka Nancy Cusumano.

8. Plaintiff Nancy Miracle, aka Nancy Maniscalco Green, was born on September 14, 1946 at Wykoff Heights Hospital in Ridgewood Brooklyn. The hospital birth certificate, attached hereto as exhibit A, lists Jennie Cusumano Maniscalco as Plaintiff's mother. Jennie Cusumano Maniscalco was the blood older sister of Marilyn Monroe, aka Nancy Cusumano, who was not married at the time of plaintiff's birth. Based on recently discovered evidence, Marilyn Monroe, aka Nancy Cusumano, gave her only child (plaintiff) to her older sister, who raised plaintiff as her own daughter until her death. Also, based on newly discovered evidence, the birth certificate of plaintiff has the right and left footprints of plaintiff on it and the fingerprints of Marilyn Monroe, aka Nancy Cusumano, on it appearing under Mother's left and right thumbprint.

(see next two pages attached hereto as exhibit A and footprints and fingerprints of plaintiff- exhibit B).

9. Decedent's will made no provision for plaintiff, who is entitled to the same share of decedent's estate as if decedent had died intestate.

10. That plaintiff, being the sole blood daughter of Marilyn Monroe, aka Nancy Cusumano, (deceased) is entitled to a 50% fractional share of said decedent's estate as a pretermitted heir.

Wherefore, plaintiff prays that defendant, the

administratrix of the Last Will and Testament of the Estate of Marilyn Monroe, be ordered to:

- a) Distribute and pay to plaintiff, her 50% pretermitted heir share of said estate which is an amount which plaintiff's request leave to amend this complaint to show at trial but not less than five million dollars.
- b) Costs of bringing this suit, including a reasonable attorney's fee, deposition expenses and witness costs; and
- c) Such other relief as the court deems just.

Dated: Honolulu, Hawaii,

9/16/92

John Aaron Murphy Jr.

John Aaron Murphy Jr.
Attorney for Plaintiff

Blackwell Heights Hospital of Brooklyn, N.Y. Ogden



He certifies that
was born to Dr. and Mrs. Josephine
in their Hospital at
the

14th Street, September 1st, A.D. 1946.

In witness whereof the said Hospital has
caused this certificate to be signed by its duly
authorized officer, and its afforment certified
as hereunto affixed:

P. P. Phillips, M.D., F.A.C.P.
Physician-in-Chief

Family Information	
Father's full name	Peter J.
Mother's full name	Betty Lou
Date of birth	Dec 22, 1943
Residence	100-102 1st Street
Date child was born	20
Sex of child	Male or female
Occupation	Businessman
Employer	John G.
Address	100-102 1st Street
City	New York
State	NY
Zip	100-102 1st Street

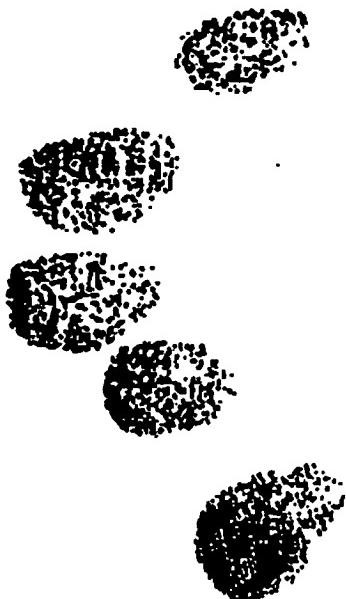
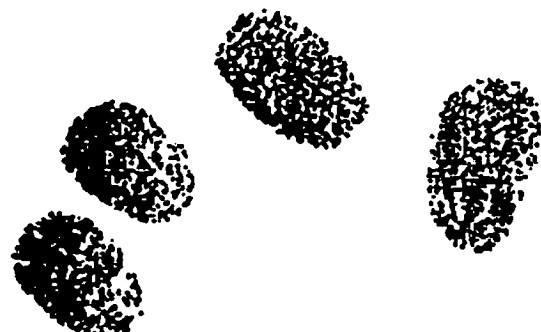
This Certificate of Birth should be considered as record of birth for future use.

- 1 To establish age for school.
- 2 To establish age for voting.
- 3 To establish legal age of majority.
- 4 For jury and witness service.
- 5 To prove citizenship.
- 6 To establish date and place of marriage.
- 7 To prove right to inheritance.

A: Official stamp

EXH A

putting my footprint + fingerprints
herewith.



Subscribed and sworn to before me
this 11 day of August, 1992.

Notary Public, State of Hawaii
My commission expires: 11/11/05

Nancy Miracle
Nancy Miracle
(Manisccico, Greene)

John Aaron Murphy Jones 4641
Attorney at Law
1170 N. King Street
Honolulu, Hawaii 96817
Telephone: 808 926-9078

Attorney for Plaintiff
Nancy Miracle, aka
Nancy Maniscalco Green

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

NANCY MIRACLE, aka, NANCY MANISCALCO GREEN,)	CIVIL NO. (Non Motor Vehicle Tort)
Plaintiff,)	DEMAND FOR JURY TRIAL
vs.)	
ANNA STRASBERG, as Administratrix, c.t.a. of the Last Will and Testament of MARILYN MONROE.)	
Defendant.)	
)	

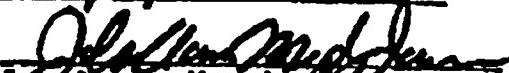
DEMAND FOR JURY TRIAL

TO: ANNA STRASBERG, as Administratrix,
c.t.a. of the Last Will and Testament
of MARILYN MONROE
600 Third Avenue
New York, New York 10016

Please Take Notice that plaintiff demands trial by jury in
this action.

Dated: Honolulu, Hawaii,

9/16/92


John Aaron Murphy Jones
Attorney for Plaintiff